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OFFICE OF PETITIONS

In re Application of Carmichael et al. : Decision on Petition
Application No. 09/493,756 :
Filing Date: January 28, 2000 :
Attorney Docket No. 21100-003001 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 14, 2008, to revive the above-identified application.

The petition is **dismissed**.

The Office mailed a non-final Office action on June 20, 2002, set a shortened statutory period for reply of three (3) months. A reply was not filed in response to the June 20, 2002 Office action. As a result, the application became abandoned as of September 21, 2002. The Office mailed a Notice of Abandonment to the assignee on January 29, 2003.

A petition under 37 CFR 1.137(a) was filed October 27, 2006. The petition was dismissed December 14, 2007. The petition was dismissed for two reasons:

- (1) The petition was not accompanied by a reply to the outstanding Office action, and
- (2) The petition was not accompanied by a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable.

The instant petition was filed May 14, 2008.

The instant petition under 37 CFR 1.137(b) does not require a showing that the entire delay was unavoidable. However, the petition does require the submission of a reply to the outstanding Office action. Office records indicate a reply to the outstanding Office action has not been filed. Therefore, the petition must be dismissed.

Any request for reconsideration should include a reply to the outstanding Office action. Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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